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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/186,902	11/06/1998	DAVID JOHN PUNG	6937	2420

7590 01/02/2002

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EXAMINER

TORRES VELAZQUEZ, NORCA LIZ

ART UNIT PAPER NUMBER

1771

DATE MAILED: 01/02/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
	PUNG ET AL.	
Examiner	Art Unit	
Norca L. Torres-Velazquez	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on 15 October 2001.

2b)  This action is non-final.

2a)  This action is FINAL.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-8 and 11-21 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-8 and 11-21 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

6)  Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's arguments with respect to claims 1-8 and 11-14 have been considered but are moot in view of the new ground(s) of rejection. The rejection of these claims under 35 U.S.C. 103(a) as being unpatentable over JAMES et al. in view of BLIEZNER et al. and PREGOZEN is withdrawn in view of Applicants arguments that the JAMES et al. reference fails to teach or suggest the use of their hydroentangled nonwoven fabric in a personal cleansing wipe.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over MANNING et al. (US 4755421) in view of GORDON et al. (US 5763332) and PREGOZEN (US 5141803).

MANNING et al. discloses a wiper including a nonwoven web made of a special blend of cellulosic fibers held together only by friction and naturally occurring hydrogen bonding. The nonwoven fibrous web is produced by subjecting a wet-laid web of cellulosic fibers to hydroentanglement. (Abstract) The reference further teaches that wet wipes usually are stacked and wrapped in a liquid-tight package while maintained in a liquid preservative composition containing an antimicrobial agent comprising about 50 to 300 percent by weight of the dry wiper weight. The wetting liquid can include water and often it will contain bactericides and other

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biological control agents, as well as perfumes and *emulsifiers* to disperse those ingredients, and it may be maintained at an acid pH level to further inhibit growth of organisms over sufficiently long time periods. (Column 1, lines 45-55). Further the reference teaches that the web has a basis weight in the range of 20-90 grams per square meter. (Claim 1).

It is assumed that a nonwoven substrate that has been subjected to hydroentanglement as in the MANNING et al. reference will have a three-dimensional pattern as it is well known in the art and can be observed in the JAMES et al. reference previously disclosed in the prosecution of this case. Therefore, it is well known in the art to have a three-dimensional pattern in nonwoven webs produced by the hydroentanglement process.

Although the MANNING et al. reference discloses the use of emulsifiers in the wetting liquid of their wipe, the reference fails to specifically disclose the use of anionic surfactants.

GORDON et al. discloses wet-like cleaning wipes and teaches the use of anionic detergent surfactants. (Column 17, lines 51-52).

Since both MANNING et al. and GORDON et al. are both from the same field of endeavor, the purpose disclosed by GORDON et al. would have been recognized in the pertinent art of MANNING et al.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the wipe and provide it with anionic surfactants for the purpose of improving the cleaning performance of the article when the internal polar phase of the emulsion is released as disclosed by GORDON et al. (Column 17, lines 45-47).

However, both references fail to specifically provide with the content of the other elements of the of the cleansing composition.

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PREGOZEN discloses an aqueous composition for impregnating a nonwoven wipe having a pH of from 3.5 to 4.5, and moistened wipe, impregnated with the aqueous composition. (Abstract).

PREGOZEN discloses concentrations of 0.2 to 10 weight-percent for skin moisturizers and humectants, 0.02 to 5 weight-percent for skin softeners and emollients. (Column 4, lines 40-44). The surfactant will generally be employed at a concentration of 0.02 to 10 percent by weight bases on the weight of the aqueous composition. (Column 4, lines 60-62). PREGOZEN also teaches the use of citric acid to adjust the pH of the composition. (Column 4, lines 20-26). The reference also teaches the use of a preservative system, it uses cationic biocides in the ranges of about 0.03 to about 0.24% of the aqueous composition. (Column 4, lines 9-13).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the non-woven fabric disclosed by MANNING et al. to have an aqueous cleansing composition with an acid, moisturizing agent, and an antimicrobial active for the purpose of providing consumers with a alcohol-free wipes that have antimicrobial effect. (As disclosed by PREGOZEN).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 703-306-5714. The examiner can normally be reached on Monday-Thursday 7:30-5:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.

nlt

December 27, 2001



TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
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